IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4097 OF 2005

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Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.

Court's or Judge's orders

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Mr.T.R.Shetty for the Applicant
Mr.K.V.Saste,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : JULY 5,2005.

P.C.:

1. Heard Advocate for the Applicant and the learned A.P.P. for State. The offence alleged against the Applicant is under Section 376(f) (g),354,342, 506 (I) read with Section 34 of the Indian Penal Code. The age of the victim was about 11 years on the date of incident as her date of birth is 21st November 1993.

2. The submission of the learned Advocate for the Applicant is that there is unexplained delay in filing the F.I.R. and the prosecution story is very doubtful as the prosecutrix has not protested though she had more than enough opportunities to protest.

3. At this stage, the delay in filing the F.I.R. and the fact that the Applicant has not protested, may not be relevant as the case of the prosecutrix is that she used to treat the accused as her maternal uncle. The age of the prosecutrix at the relevant time was only 11 years. The medical report of the prosecutrix to some extent supports the prosecution.

4. Considering the gravity of offence and considering the age of the prosecutrix at the time of offence, this is not a case where the Applicant should be enlarged on bail.

5. Hence the Application is rejected. Liberty to apply to the Sessions Court for expeditious conclusion of trial.

JUDGE